

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHER DIVISION**

CAREY WONG,

Plaintiff,

v.

Case No: 07-10089

HONORABLE DENISE PAGE HOOD

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

_____ /

ORDER ACCEPTING REPORT AND RECOMMENDATIONS

This matter is before the Court on Magistrate Judge Mona Majzoub's Report and Recommendation filed January 11, 2008. To date, no Objections have been filed by Plaintiff.

Judicial review of the Commissioner's decision is limited in scope to determining whether the findings of fact made by the Commissioner are supported by substantial evidence, and deciding whether the Commissioner employed the proper legal criteria in reaching his conclusion. *Garner v. Heckler*, 745 F.2d 383 (6th Cir. 1984). The credibility findings of an administrative law judge ("ALJ") must not be discarded lightly and should be accorded great deference. *Hardaway v. Secretary of Health and Human Services*, 823 F.2d 922, 928 (6th Cir. 1987). A district court's review of an ALJ's decision is not a *de novo* review. The district court may not resolve conflicts in the evidence nor decide questions of credibility. *Garner*, 745 F.2d at 397. The decision of the Commissioner must be upheld if supported by substantial evidence, even if the record might support a contrary decision. *Smith v. Secretary of HHS*, 893 F.2d 106, 108 (6th Cir. 1989). An administrative decision must be affirmed if supported by substantial evidence, even if the Court might arrive at a different conclusion. *Mullen v. Bowen*, 800 F.2d 535, 545 (6th Cir. 1986) (quoting *Baker v. Heckler*,

730 F.2d 1147, 1140 (8th Cir. 1984)).

The Court has had an opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusion for the proper reasons. The Court agrees with the Magistrate Judge that there is substantial evidence in the record that Plaintiff remains capable of performing a significant number of jobs in the economy.

Accordingly,

IT IS ORDERED that the Report and Recommendation of Magistrate Judge Majzoub filed January 11, 2008 (**Docket No. 10**) is ACCEPTED and ADOPTED as this Court's findings and conclusions of law.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment (**Docket No. 7, filed March 26, 2007**) is DENIED.

IT IS FURTHER ORDERED that Defendant's Motion for Summary Judgment (**Docket No. 9, filed May 15, 2007**) is GRANTED

IT IS FURTHER ORDERED that this matter is DISMISSED with prejudice.

S/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: February 29, 2008

I hereby certify that a copy of the foregoing document was served upon counsel of record on February 29, 2008, by electronic and/or ordinary mail.

S/William F. Lewis
Case Manager